



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

**MEMORANDUM**

From: Steven Jawgiel (ORC-1)

*SJ*

To: Ivry Johnson (PPA-2)

Date: August 9, 2017

Re: Conversion of Subpoena to FOIA Request in Bordenave, et al. v. Allenco Energy, Inc.  
[Los Angeles County Superior Court Case No. BC603720]

Hello Ivry,

Enclosed is a copy of the subpoena the Girardi Keese law firm served on EPA. Pursuant to 40 C.F.R. §2.405, EPA is automatically converting this subpoena into a document request under the Freedom of Information Act (FOIA). A description of the documents being sought can be found on pages 3-4 of Attachment 3 of the enclosed subpoena.

Ivry, I greatly appreciate your assistance. Feel free to contact me at 2-3876 with any questions.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

August 9, 2017

Robert W. Finnerty, Esq.  
Giardi Keese Law Firm  
1126 Wilshire Boulevard  
Los Angeles, California 90017

Re: Bordenave, et al. v. Allenco Energy, Inc., et al.  
[Los Angeles County Superior Court Case No. BC603720]

Dear Mr. Finnerty:

The U.S. Environmental Protection Agency (EPA) received your subpoena for the production of business records in the above-referenced matter. Pursuant to 40 C.F.R. §2.405, EPA converted your subpoena to an information request under the Freedom of Information Act (FOIA).

I am returning the check issued by ProLegal (Check No. 270801) in the amount of \$15.00. If you have any questions about the status of your FOIA request, please contact the Region IX FOIA Officer, Ivry Johnson, at (415) 947- 4251.

Thank you for your cooperation.

  
Steven L. Jawgiel  
Assistant Regional Counsel

Enclosure

cc: ProLegal  
17921 Sky Park Circle, Suite C  
Irvin, California 92614

(w/ copy of enclosure)

DOCUMENT IS PRINTED ON CHEMICALLY REACTIVE PAPER - THE BACK OF THIS DOCUMENT INCLUDES A TAMPER EVIDENT CHEMICAL WASH WARNING BOX



17921 Sky Park Circle, Suite C  
Irvine, CA 92614  
(888) 722-6878

Comerica Bank  
www.comerica.com

270801

858  
90-3752/1211

Date: 07/27/2017

Pay to the Order of US Environmental Protection Agency Pacific Southwest \$15.00

Fifteen and 00/100

Dollars

CHECK NOT VALID 180 DAYS AFTER ISSUANCE

NOT TO EXCEED \$500.00

126475-03

MEMO: Carla Bordenave, et al. v. Allenco



ORIGINAL DOCUMENT HAS RED KEYHOLE ICON THAT DISAPPEARS WITH HEAT

⑈ 270801 ⑈ ⑆ 121137522⑆ 1894877636 ⑈

**You have been served with a  
Deposition Subpoena For Production Of Business Records**

**ProLegal Network** is a professional photocopying service and has been chosen to duplicate all records described in the attached documents.

This request does obligate the custodian of records for US Environmental Protection Agency Pacific Southwest to make the records described in the attached documents available for inspection and duplication under reasonable conditions and during normal business hours.

**Records Subject:** Carla Bordenave, et al. v. Allenco Energy Inc, et al

**Records Requested:** Other

Records for all dates requested

**If you have the requested records:**

Please contact ProLegal Network at (888) 722-6878 to make copying arrangements or complete this form and fax back to us at (877) 464-9009. Please refer to our reference number **126475-03** when you call.

**If you DO NOT have the requested records:**

Please contact ProLegal Network at (888) 722-6878. Please refer to our reference number **126475-03** when you call.

In most cases, you will be required to complete the Certification of No Records included in this packet and fax back to us at (877) 464-9009.

Copy Hours		Chart Size (Circle One)
Monday	<input type="checkbox"/>	1/4 "
Tuesday	<input type="checkbox"/>	1/2 "
Wednesday	<input type="checkbox"/>	1 "
Thursday	<input type="checkbox"/>	2+ "
Friday	<input type="checkbox"/>	Multiple Volumes
Appointment Required	<input type="checkbox"/>	

**Name of person to contact:** \_\_\_\_\_

**CONTACT: SALLY SOVICK**  
**Direct Dial: 949-936-2008**  
**E-Mail: ssovick@prolegalnetwork.com**



17921 Sky Park Circle, Suite C • Irvine, CA 92614-4319  
Phone (888) 722-6878 • Fax (877) 464-9009

126475-03

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): THOMAS V. GIRARDI, ESQ. - SBN 36603 ROBERT W. FINNERTY, ESQ. - SBN 119775 GIRARDI   KEESE 1126 Wilshire Boulevard Los Angeles, California 90017 TELEPHONE NO.: (213) 977-0211 FAX NO.: (213) 481-1554 E-MAIL ADDRESS: ATTORNEY FOR (Name): Plaintiffs	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 600 S. Commonwealth Avenue MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, California 90005 BRANCH NAME: Central Civil West Courthouse	
PLAINTIFF/PETITIONER: CARLA BORDENAVE, ET AL. DEFENDANT/RESPONDENT: ALLENCO ENERGY INC., ET AL.	
<b>DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS</b>	CASE NUMBER: BC603720

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
 Custodian of Records for US Environmental Protection Agency Pacific Southwest, Region 9, 75 Hawthorne Street, San Francisco, CA, 94105

**1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:**

To (name of deposition officer): ProLegal On (date): August 18, 2017 At (time): 10:00 AM Location (address): 17921 Sky Park Circle, Suite C, Irvine, CA 92614 Do not release the requested records to the deposition officer prior to the date and time stated above.
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- a. ☐ by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. ☒ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. ☐ by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified): See Attachment 3

☒ Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: July 25, 2017

MICHAEL P. KELLY

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorneys for Plaintiffs

(Proof of service on reverse)

(TITLE)

PLAINTIFF/PETITIONER: CARLA BORDENAVE, ET AL.	CASE NUMBER:
DEFENDANT/RESPONDENT: ALLENCO ENERGY INC., ET AL.	BC603720

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR  
PRODUCTION OF BUSINESS RECORDS**

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. (1) ☐ Witness fees were paid.  
Amount: .....\$ 0.00

(2) ☐ Copying fees were paid.  
Amount: .....\$ 0.00

f. Fee for service: .....\$ 0.00

2. I received this subpoena for service on (date):

3. Person serving:

- a. ☐ Not a registered California process server.
- b. ☐ California sheriff or marshal.
- c. ☐ Registered California process server.
- d. ☐ Employee or independent contractor of a registered California process server.
- e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
- f. ☐ Registered professional photocopier.
- g. ☐ Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff or marshal use only)  
I certify that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(SIGNATURE)

1  
2  
3 **ATTACHMENT 3**

4 **DEFINITIONS**

5 As used throughout this request, unless the context in which the term is used clearly indicates  
6 otherwise, each of the following terms and phrases shall have the meaning set forth below.

7 1. The terms "YOU" and "YOUR" shall mean and refer to **THE UNITED STATES**  
8 **ENVIRONMENTAL PROTECTION AGENCY**, its agents, attorneys and their agents,  
9 employees, representatives and investigators.

10 2. The term "ALLENCO ENERGY, INC." shall mean and refer to Allenco Energy,  
11 Inc., a California Corporation, previously operating at 814 W 23rd St, Los Angeles, CA 90007.

12 3. The terms "**DOCUMENT**" or "**DOCUMENTS**" shall mean and refer to all writings  
13 as defined in California Evidence Code § 250, however produced or reproduced, including the  
14 original (or any copies when originals are not available) and any other non-identical copies (whether  
15 different from the originals because of notes made on such copies, or because of indications that said  
16 copies were sent to different individuals than the original, or because of any other reason), including  
17 but not limited to any notes, memoranda, charges, complaints, claims, complaints, filings with any  
18 court, tribunal, or governmental agency, affidavits, statements, papers, files, forms, data, tapes,  
19 printouts, letters, books, reports, summaries, policies, procedures, manuals, handbooks, minutes,  
20 corporate minutes, ledgers, offers, logs, certificates, communications, written or recorded, contracts,  
21 agreements, telegrams, records, correspondence, diaries, calendars, recordings and transcripts of  
22 recordings, sound recordings, mechanical or electronic recording, blueprints, flow sheets, calendar or  
23 diary entries, computer programs and application, electronic and magnetic data, analog and digital  
24 data, and information retrievable from computers, photographs, video tapes, diagrams, drawings,  
25 microfilms, invoices, bills, receipts, requests or any other writing, however produced or reproduced,  
26 and further includes, without limitation, originals, all file or other copies no matter how prepared,  
27 and all drafts and preliminary sketches and renderings prepared in connection with such  
28 **DOCUMENTS**, whether used or not, within the possession, custody or control of YOUR agents,  
attorneys or any other person(s) acting or purporting to act on YOUR behalf, excepting only those  
**DOCUMENTS** which are privileged or otherwise protected from discovery, as to which the claim of  
privilege or protection is specifically stated by written notice to propounding party.

1           4.     The terms "**AND**" as well as "**OR**" shall be construed both disjunctively and  
2 conjunctively, AND plural words shall include their singular, AND vice versa, to bring within the  
3 scope of these interrogatories and these definitions any information that might otherwise be  
4 construed to be outside their scope.

5           5.     The terms "**IDENTIFY**," "**IDENTITY**" or "**IDENTIFICATION**" mean to state the  
6 official name or designation, address and telephone number of EACH such PERSON. When either  
7 "**IDENTIFY**" or "**IDENTIFICATION**" is used with respect to a fact or a DOCUMENT, state all  
8 facts or DOCUMENTS that support the contention referenced as well as EACH PERSON who has  
9 knowledge of those facts or DOCUMENTS.

10          6.     The terms "**IDENTIFY**," or "**STATE THE IDENTITY**" when referring to a  
11 contract shall mean to state (1) the identity of all persons who were parties to the contract, (2) the  
12 identity of each individual who administered or supervised the performance of the contract for each  
13 party to the contract, (3) the date the contract was entered into and completed, (4) the subject matter  
14 of the contract, (5) a brief description of the site and the site's location that are the subject of the  
15 contract and (6) whether the contract was written or oral and (7) if written, the identity of all  
16 DOCUMENTs that embody the terms of the contract.

17          7.     The phrase "**REFER OR RELATE**" and "**REFERRING OR RELATING TO**"  
18 when used with reference to any particular subject matter means to embody, pertain to, consist,  
19 constitute, contain, reflect, IDENTIFY, state, REFER OR RELATE TO, deal with, compromise,  
20 discuss, summarize, describe or be in any way pertinent to that subject matter.

21          8.     The term "**EACH**" means "each and every."

22          9.     The term "**STATE**" means to STATE all facts that support the referenced  
23 CONTENTION as well as IDENTIFY all PERSONS who have knowledge of those facts.

24          10.    The term "**INCLUDING**" means "including but not limited to."

25          11.    The term "**COMMUNICATION**" or "**COMMUNICATIONS**" means any contact  
26 or transfer of information between any two people, whether written, oral or electronic and whether  
27 direct or through one of more animate or inanimate agents.

28          12.    The term "**ALL**" means any and all.



13. The term “**SITE**” shall mean and refer to the oil and gas production site located at 814 West 23<sup>rd</sup> Street, in the City of Los Angeles.

14. The term "ENVIRONMENT" means atmosphere, surface or groundwater, soils, strata, subsurface soils or sediments, and air within a ten mile radius of any of the PLANTS.

15. The terms “**SAMPLING DATA**” or “**TEST RESULTS**” means and includes any and all measurements, readings, observations, determinations, or confirmations, as to any characteristics or constituents of any liquid, dust, solid or other physical object.

16. The terms "SUBSTANCE" or "SUBSTANCES" means any solid, dust, liquid, gas or semisolid or other discarded material resulting from industrial, commercial, medical, mining, or agricultural operation, whether organic or inorganic in nature, including but not limited to all "volatile organic compounds (VOC)" "organic solvents, inorganic solvents, hydrocarbons, poly or tetra chlorinated substances, "hazardous waste," "hazardous chemical," "radioactive waste or isotopes," "municipal or industrial solid waste," "heavy metals," "toxic chemical," or "toxic substance" as those terms are defined by either State and/or federal law or regulation.

17. As used herein, the term "**RELEASE**" means spill, leak, discharge, dispose, emit or permeation of any SUBSTANCES, materials, or wastes to escape or enter into the ENVIRONMENT.

**DOCUMENTS TO BE PRODUCED**

1. All DOCUMENT(S) referencing any inspections by YOU at the SITE from January 1, 2009 through the present wherein YOU investigated ALLENCO ENERGY INC.'S compliance with environmental rules and regulations

2. Any and all DOCUMENT(S) that REFER(S) or RELATE(S) to any warnings issued by YOU to ALLENCO ENERGY INC.'S regarding fugitive emissions emanating from the SITE.

3. Any and all maps, photographs, and aerial photograph(s) of the SITE from January 1, 2009 until the present.

4. Any and all COMMUNICATIONS between YOU and ALLENCO ENERGY, INC. regarding ALLENCO ENERGY INC.'S operations at the SITE from January 1, 2009 until the present.

1 5. Any and all DOCUMENTS that REFER or RELATE to any ENVIRONMENTAL  
2 TESTING at the SITE from January 1, 2009 to present, including any and all SAMPLING DATA.

3 6. Any and all DOCUMENTS that REFERS or RELATES to the quantity of OIL generated  
4 or produced at the SITE from January 1, 2009 until the present.

5 7. Any and all DOCUMENT(S) that REFER(S) or RELATE(S) to ALLENCO ENERGY  
6 INC.'S use of equipment designed to control air pollution arising from operations at the SITE from  
7 January 1, 2009 through the present.

8 8. All DOCUMENTS pertaining to any RELEASE(S) of any SUBSTANCE(S) by  
9 ALLENCO ENERGY, INC. into the ENVIRONMENT at the SITE from January 1, 2009 through  
10 the present.

11 9. Any and all DOCUMENT(S) that REFER(S) or RELATE(S) to any citation or violation  
12 YOU issued to ALLENCO ENERGY INC. as a result of ALLENCO ENERGY INC.'S operations  
13 at the SITE.

14 10. All DOCUMENT(S) referencing any findings made by any YOU regarding ALLENCO  
15 ENERGY INC'S operations at the SITE.

16 11. Any and all DOCUMENT(S) that REFER(S) or RELATE(S) to ALLENCO ENERGY  
17 INC.'S failure to properly utilize equipment designed to control air pollution arising from  
18 ALLENCO ENERGY, INC.'S operations at the SITE from January 1, 2009 through the present.

19 12. Any and all DOCUMENTS that REFER or RELATE to any ENVIRONMENTAL  
20 TESTING at the Lanterman High School located at 2328 St James Pl, Los Angeles, CA 90007  
21 from January 1, 2009 to present, including any and all SAMPLING DATA.

22 13. Any and all DOCUMENTS that REFER or RELATE to ALLENCO ENERGY'S  
23 operations at the SITE prior to January 1, 2009.

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At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 1126 Wilshire Boulevard, Los Angeles, CA 90017-1904.

**BY ELECTRONIC SERVICE:** Pursuant to Court Order Authorizing Electronic Service, dated March 7, 2016, I provided the document(s) listed above electronically on the CASE ANYWHERE Website to the parties on the Service List maintained on the CASE ANYWHERE Website for this case, or on the attached Service List. Case Anywhere is the on-line e-service provider designated in this case.

Executed on July 25, 2017, at Los Angeles, California.

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PROOF OF SERVICE

# Affidavit of Custodian of Record

126475-03

Pursuant to California Evidence Code 1561 and Business and Professions Code 22462

## Records Requested From:

US Environmental Protection Agency Pacific Southwest  
Department: Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

## Records Pertain To:

**Records Subject:** Carla Bordenave, et al. v. Allenco  
Energy Inc, et al  
**Date of Birth:**  
**SSN:**

<input type="checkbox"/>	<b>CERTIFICATION OF RECORDS COPIED</b>
<input type="checkbox"/> Other	<p>a. All of the original records described in the Deposition Subpoena For Production Of Business Records with which I was served have been provided to an Agent of ProLegal Network for the purpose of copying pursuant to Evidence Code 1560.</p> <p>b. The records were prepared in the ordinary course of business, by personnel of said business for which I am the custodian of records, at or near the time of the acts, conditions or events referenced therein.</p> <p>c. The following could not be provided with the attached list of documents for the following reasons:</p>

<input type="checkbox"/>	<b>CERTIFICATION OF NO RECORDS</b>								
<input type="checkbox"/> Other	<p>After a thorough search has been made for the requested records, we hereby certify that the requested records have not been located.</p> <table border="0"><tr><td><input type="checkbox"/> Records have been destroyed</td><td><input type="checkbox"/> Records do not exist for records subject</td></tr><tr><td><input type="checkbox"/> Records do not exist for the requested dates</td><td><input type="checkbox"/> Records are located at (please specify):</td></tr><tr><td><input type="checkbox"/> Records exist, but cannot be located</td><td></td></tr><tr><td><input type="checkbox"/> Other (please explain):</td><td></td></tr></table>	<input type="checkbox"/> Records have been destroyed	<input type="checkbox"/> Records do not exist for records subject	<input type="checkbox"/> Records do not exist for the requested dates	<input type="checkbox"/> Records are located at (please specify):	<input type="checkbox"/> Records exist, but cannot be located		<input type="checkbox"/> Other (please explain):	
<input type="checkbox"/> Records have been destroyed	<input type="checkbox"/> Records do not exist for records subject								
<input type="checkbox"/> Records do not exist for the requested dates	<input type="checkbox"/> Records are located at (please specify):								
<input type="checkbox"/> Records exist, but cannot be located									
<input type="checkbox"/> Other (please explain):									

<p>I, the undersigned, am the duly authorized custodian of records for US Environmental Protection Agency Pacific Southwest. I have authority to certify the records sought by the Deposition Subpoena For Production Of Business Records. I hereby declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p>	
Executed on (date):	At (City and State):
Printed Name:	
Signature:	

## -Affidavit of Professional Photocopier-

I, the undersigned, do declare:

- I am an authorized agent of ProLegal, a registered Professional Photocopier, registered in the County of Orange, California.
- I declare that the records received from the custodian of records signing the attached Declaration of Custodian of Records were copied pursuant to Deposition Subpoena For Production Of Business Records requiring the production of these records.
- The accompanying records were prepared in the following manner:  
☐ From Microfilm/Microfiche ☐ From Computer Stored Data ☐ By Electronic Duplication Process  
☐ By Photocopying the Original Paper Record ☐ By Photographic Duplication Process ☐ Other:

I declare under penalty of Perjury under the laws of The State of California that the foregoing is true and correct.

Date: \_\_\_\_\_ Signature of Professional Photocopier: \_\_\_\_\_



17921 Sky Park Circle, Suite C • Irvine, CA 92614-4319  
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